

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

C&J ASSOCIATES PEST CONTROL,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:06-cv-884-MEF
)	
BOB RILEY, et al.,)	
)	
Defendants.)	

**MOTION FOR EXTENSION OF TIME
TO FILE RESPONSIVE PLEADING**

COME NOW Defendants Attorney General Troy King, Kathy Sawyer, Courtney Tarver, June Lynn, Judy Cobb and Ray Bressler, sued in both their official and individual capacities, and move this Honorable Court for an extension of time in which to file a response to the plaintiff's complaint. In support of this motion, these defendants state the following:

1) On October 1, 2006, the plaintiff initiated this lawsuit, naming as defendants over a dozen state officials and employees.

2) Defendants Lynn, Cobb, and Tarver were purportedly served on October 6, 2006, and Defendants Bressler and Sawyer were purportedly served on October 5, 2006. Although service was accepted by the agencies for which these defendants work and or worked, undersigned counsel has not had an opportunity to determine if there was proper authority to accept service for all of these defendants. According to the case docket sheet, it does not appear that Attorney General King has been properly served at all. By filing this Motion, Defendants King, Lynn, Cobb, Tarver, Bressler and Sawyer do not waive any arguments as to insufficiency of service.

3) Presently, these defendants are required to file a response to the plaintiff's complaint.

4) Due to the number of state defendants being sued by the plaintiff, as well as the number of claims set forth in its complaint, the Governor's Office, the Office of Attorney General, the Department of Finance, the Department of Mental Health and Mental Retardation, and the Department of Agriculture and Industries are working together to secure counsel for all the defendants and to prepare a joint defense in this case.

5) Despite best efforts, the state defendants have not yet had sufficient time to prepare a meaningful, unified response to the plaintiff's claims. However, this can soon be accomplished if the Court would grant a modest extension of time.

WHEREFORE, the above-cited grounds considered, Defendants Attorney General Troy King, Kathy Sawyer, Courtney Tarver, June Lynn, Judy Cobb and Ray Bressler request that this Honorable Court grant them an extension of time until **November 17, 2006**, in which to file a response to the plaintiff's complaint.

Done this 27th day of October 2006.

Respectfully submitted,

/s/ Benjamin H. Albritton
Benjamin H. Albritton
Assistant Attorney General

ADDRESS OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system on this the 27th day of October, 2006. The Clerk will send notification of this filing to the following CM/ECF participants:

Richard Cater, Esq.
State Finance Department

Scott L. Rouse, Esq.
Deputy Legal Advisor
Office of the Governor

I hereby certify that I have mailed by United States Postal Service the foregoing document to the following individuals:

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